

**ASSEMBLY BILL**

**No. 1051**

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**Introduced by Assembly Member Maienschein**  
**(Coauthors: Assembly Members Atkins, Chávez, Gonzalez,**  
**Steinorth, and Waldron)**  
**(Coauthors: Senators Anderson, Bates, Block, and Hueso)**

February 26, 2015

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An act to amend Section 186.22 of, and to add Section 266m to, the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL’S DIGEST

AB 1051, as introduced, Maienschein. Human trafficking.

Existing law, as amended by Proposition 21, as approved by the voters at the March 7, 2000, statewide primary election, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished, as specified. Existing law defines “a pattern of criminal gang activity” as the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of, 2 or more listed offenses. Proposition 21 may be amended by a statute passed by a  $\frac{2}{3}$  vote of the membership of each house of the Legislature.

This bill would add human trafficking as an offense that may be used to establish a pattern of criminal gang activity. Because this bill would amend Proposition 21, the bill requires a  $\frac{2}{3}$  vote.

Existing law provides various penalties for human trafficking and sex trafficking offenses.

This bill would require that a person convicted of a human trafficking offense or of specified sex trafficking offenses where any part of the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary school, vocational, junior high, or high school during the hours that the school is open for classes or school-related programs, or at any time when minors are using the facility, to receive, in addition to any other penalty imposed, punishment of 3 years in state prison. The bill would also require that the person sentenced under this provision serve the entire term of his or her imprisonment for the underlying offense, as well as the additional term imposed, in the state prison.

Because this bill would change the definition of a crime, impose an enhancement on certain crimes, and require a higher level of service from local prosecutors in pleading and proving the enhancement, it would impose a state-mandated local program.

The bill would also correct cross-references and make conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 186.22 of the Penal Code, as amended
- 2 by Section 1 of Chapter 508 of the Statutes of 2013, is amended
- 3 to read:
- 4 186.22. (a) ~~Any~~A person who actively participates in any
- 5 criminal street gang with knowledge that its members engage in
- 6 or have engaged in a pattern of criminal gang activity, and who
- 7 willfully promotes, furthers, or assists in any felonious criminal
- 8 conduct by members of that gang, shall be punished by
- 9 imprisonment in a county jail for a period not to exceed one year,
- 10 or by imprisonment in the state prison for 16 months, or two or
- 11 three years.
- 12 (b) (1) Except as provided in paragraphs (4) and (5),~~any a~~
- 13 person who is convicted of a felony committed for the benefit of,

1 at the direction of, or in association with any criminal street gang,  
2 with the specific intent to promote, further, or assist in any criminal  
3 conduct by gang members, shall, upon conviction of that felony,  
4 in addition and consecutive to the punishment prescribed for the  
5 felony or attempted felony of which he or she has been convicted,  
6 be punished as follows:

7 (A) Except as provided in subparagraphs (B) and (C), the person  
8 shall be punished by an additional term of two, three, or four years  
9 at the court's discretion.

10 (B) If the felony is a serious felony, as defined in subdivision  
11 (c) of Section 1192.7, the person shall be punished by an additional  
12 term of five years.

13 (C) If the felony is a violent felony, as defined in subdivision  
14 (c) of Section 667.5, the person shall be punished by an additional  
15 term of 10 years.

16 (2) If the underlying felony described in paragraph (1) is  
17 committed on the grounds of, or within 1,000 feet of, a public or  
18 private elementary, vocational, junior high, or high school, during  
19 hours in which the facility is open for classes or school-related  
20 programs or when minors are using the facility, that fact shall be  
21 a circumstance in aggravation of the crime in imposing a term  
22 under paragraph (1).

23 (3) The court shall select the sentence enhancement which, in  
24 the court's discretion, best serves the interests of justice and shall  
25 state the reasons for its choice on the record at the time of the  
26 sentencing in accordance with the provisions of subdivision (d) of  
27 Section 1170.1.

28 (4) ~~Any~~ A person who is convicted of a felony enumerated in  
29 this paragraph committed for the benefit of, at the direction of, or  
30 in association with any criminal street gang, with the specific intent  
31 to promote, further, or assist in any criminal conduct by gang  
32 members, shall, upon conviction of that felony, be sentenced to  
33 an indeterminate term of life imprisonment with a minimum term  
34 of the indeterminate sentence calculated as the greater of:

35 (A) The term determined by the court pursuant to Section 1170  
36 for the underlying conviction, including any enhancement  
37 applicable under Chapter 4.5 (commencing with Section 1170) of  
38 Title 7 of Part 2, or any period prescribed by Section 3046, if the  
39 felony is any of the offenses enumerated in subparagraph (B) or  
40 (C) of this paragraph.

1 (B) Imprisonment in the state prison for 15 years, if the felony  
2 is a home invasion robbery, in violation of subparagraph (A) of  
3 paragraph (1) of subdivision (a) of Section 213; carjacking, as  
4 defined in Section 215; a felony violation of Section 246; or a  
5 violation of Section 12022.55.

6 (C) Imprisonment in the state prison for seven years, if the  
7 felony is extortion, as defined in Section 519; or threats to victims  
8 and witnesses, as defined in Section 136.1.

9 (5) Except as provided in paragraph (4), ~~any~~ a person who  
10 violates this subdivision in the commission of a felony punishable  
11 by imprisonment in the state prison for life shall not be paroled  
12 until a minimum of 15 calendar years have been served.

13 (c) If the court grants probation or suspends the execution of  
14 sentence imposed upon the defendant for a violation of subdivision  
15 (a), or in cases involving a true finding of the enhancement  
16 enumerated in subdivision (b), the court shall require that the  
17 defendant serve a minimum of 180 days in a county jail as a  
18 condition thereof.

19 (d) ~~Any~~—A person who is convicted of a public offense  
20 punishable as a felony or a misdemeanor, which is committed for  
21 the benefit of, at the direction of, or in association with ~~any~~ a  
22 criminal street gang, with the specific intent to promote, further,  
23 or assist in any criminal conduct by gang members, shall be  
24 punished by imprisonment in a county jail not to exceed one year,  
25 or by imprisonment in a state prison for one, two, or three years,  
26 provided that ~~any~~ a person sentenced to imprisonment in ~~the~~ a  
27 county jail shall be imprisoned for a period not to exceed one year,  
28 but not less than 180 days, and shall not be eligible for release  
29 upon completion of sentence, parole, or any other basis, until he  
30 or she has served 180 days. If the court grants probation or  
31 suspends the execution of sentence imposed upon the defendant,  
32 it shall require as a condition thereof that the defendant serve 180  
33 days in a county jail.

34 (e) As used in this chapter, “pattern of criminal gang activity”  
35 means the commission of, attempted commission of, conspiracy  
36 to commit, or solicitation of, sustained juvenile petition for, or  
37 conviction of two or more of the following offenses, provided at  
38 least one of these offenses occurred after the effective date of this  
39 chapter and the last of those offenses occurred within three years

1 after a prior offense, and the offenses were committed on separate  
2 occasions, or by two or more persons:

3 (1) Assault with a deadly weapon or by means of force likely  
4 to produce great bodily injury, as defined in Section 245.

5 (2) Robbery, as defined in Chapter 4 (commencing with Section  
6 211) of Title 8 of Part 1. 8.

7 (3) Unlawful homicide or manslaughter, as defined in Chapter  
8 1 (commencing with Section 187) of Title 8 of Part 1. 8.

9 (4) The sale, possession for sale, transportation, manufacture,  
10 offer for sale, or offer to manufacture controlled substances as  
11 defined in Sections 11054, 11055, 11056, 11057, and 11058 of  
12 the Health and Safety Code.

13 (5) Shooting at an inhabited dwelling or occupied motor vehicle,  
14 as defined in Section 246.

15 (6) Discharging or permitting the discharge of a firearm from  
16 a motor vehicle, as defined in subdivisions (a) and (b) of Section  
17 12034 until January 1, 2012, and, on or after that date, subdivisions  
18 (a) and (b) of Section 26100.

19 (7) Arson, as defined in Chapter 1 (commencing with Section  
20 450) of Title 13.

21 (8) The intimidation of witnesses and victims, as defined in  
22 Section 136.1.

23 (9) Grand theft, as defined in subdivision (a) or (c) of Section  
24 487.

25 (10) Grand theft of any firearm, vehicle, trailer, or vessel.

26 (11) Burglary, as defined in Section 459.

27 (12) Rape, as defined in Section 261.

28 (13) Looting, as defined in Section 463.

29 (14) Money laundering, as defined in Section 186.10.

30 (15) Kidnapping, as defined in Section 207.

31 (16) Mayhem, as defined in Section 203.

32 (17) Aggravated mayhem, as defined in Section 205.

33 (18) Torture, as defined in Section 206.

34 (19) Felony extortion, as defined in Sections 518 and 520.

35 (20) Felony vandalism, as defined in paragraph (1) of  
36 subdivision (b) of Section 594.

37 (21) Carjacking, as defined in Section 215.

38 (22) The sale, delivery, or transfer of a firearm, as defined in  
39 Section 12072 until January 1, 2012, and, on or after that date,

Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.

(23) Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of ~~paragraph (1) of subdivision (a) of Section 12101 until January 1, 2012, and, on or after that date, Section 29610.~~

(24) Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.

(25) Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.

(26) Felony theft of an access card or account information, as defined in Section 484e.

(27) Counterfeiting, designing, using, or attempting to use an access card, as defined in Section 484f.

(28) Felony fraudulent use of an access card or account information, as defined in Section 484g.

(29) Unlawful use of personal identifying information to obtain credit, goods, services, or medical information, as defined in Section 530.5.

(30) Wrongfully obtaining Department of Motor Vehicles documentation, as defined in Section 529.7.

(31) Prohibited possession of a firearm in violation of ~~Section 12021 until January 1, 2012, and on or after that date, Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.~~

(32) Carrying a concealed firearm in violation of ~~Section 12025 until January 1, 2012, and, on or after that date, Section 25400.~~

(33) Carrying a loaded firearm in violation of ~~Section 12031 until January 1, 2012, and, on or after that date, Section 25850.~~

*(34) Human trafficking in violation of Section 236.1.*

(f) As used in this chapter, “criminal street gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, or (31) to ~~(33)~~, *(34)*, inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

1 (g) Notwithstanding any other law, the court may strike the  
2 additional punishment for the enhancements provided in this  
3 section or refuse to impose the minimum jail sentence for  
4 misdemeanors in an unusual case where the interests of justice  
5 would best be served, if the court specifies on the record and enters  
6 into the minutes the circumstances indicating that the interests of  
7 justice would best be served by that disposition.

8 (h) Notwithstanding any other ~~provision of law~~, for each person  
9 committed to the Department of Corrections and Rehabilitation,  
10 Division of Juvenile Facilities for a conviction pursuant to  
11 subdivision (a) or (b) of this section, the offense shall be deemed  
12 one for which the state shall pay the rate of 100 percent of the per  
13 capita institutional cost of the Department of Corrections and  
14 Rehabilitation, Division of Juvenile Facilities, ~~pursuant to Section~~  
15 ~~912.5 of the Welfare and Institutions Code.~~ *Facilities.*

16 (i) In order to secure a conviction or sustain a juvenile petition,  
17 pursuant to subdivision (a) it is not necessary for the prosecution  
18 to prove that the person devotes all, or a substantial part, of his or  
19 her time or efforts to the criminal street gang, nor is it necessary  
20 to prove that the person is a member of the criminal street gang.  
21 Active participation in the criminal street gang is all that is  
22 required.

23 (j) A pattern of gang activity may be shown by the commission  
24 of one or more of the offenses enumerated in paragraphs (26) to  
25 (30), inclusive, of subdivision (e), and the commission of one or  
26 more of the offenses enumerated in paragraphs (1) to (25),  
27 inclusive, or (31) to ~~(33)~~, (34), inclusive, of subdivision (e). A  
28 pattern of gang activity cannot be established solely by proof of  
29 commission of offenses enumerated in paragraphs (26) to (30),  
30 inclusive, of subdivision (e), alone.

31 (k) This section shall remain in effect only until January 1, 2017,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2017, deletes or extends that date.

34 SEC. 2. Section 186.22 of the Penal Code, as amended by  
35 Section 2 of Chapter 508 of the Statutes of 2013, is amended to  
36 read:

37 186.22. (a) ~~Any~~ A person who actively participates in any  
38 criminal street gang with knowledge that its members engage in  
39 or have engaged in a pattern of criminal gang activity, and who  
40 willfully promotes, furthers, or assists in any felonious criminal

1 conduct by members of that gang, shall be punished by  
2 imprisonment in a county jail for a period not to exceed one year,  
3 or by imprisonment in the state prison for 16 months, or two or  
4 three years.

5 (b) (1) Except as provided in paragraphs (4) and (5), ~~any a~~  
6 person who is convicted of a felony committed for the benefit of,  
7 at the direction of, or in association with any criminal street gang,  
8 with the specific intent to promote, further, or assist in any criminal  
9 conduct by gang members, shall, upon conviction of that felony,  
10 in addition and consecutive to the punishment prescribed for the  
11 felony or attempted felony of which he or she has been convicted,  
12 be punished as follows:

13 (A) Except as provided in subparagraphs (B) and (C), the person  
14 shall be punished by an additional term of two, three, or four years  
15 at the court's discretion.

16 (B) If the felony is a serious felony, as defined in subdivision  
17 (c) of Section 1192.7, the person shall be punished by an additional  
18 term of five years.

19 (C) If the felony is a violent felony, as defined in subdivision  
20 (c) of Section 667.5, the person shall be punished by an additional  
21 term of 10 years.

22 (2) If the underlying felony described in paragraph (1) is  
23 committed on the grounds of, or within 1,000 feet of, a public or  
24 private elementary, vocational, junior high, or high school, during  
25 hours in which the facility is open for classes or school-related  
26 programs or when minors are using the facility, that fact shall be  
27 a circumstance in aggravation of the crime in imposing a term  
28 under paragraph (1).

29 (3) The court shall order the imposition of the middle term of  
30 the sentence enhancement, unless there are circumstances in  
31 aggravation or mitigation. The court shall state the reasons for its  
32 choice of sentencing enhancements on the record at the time of  
33 the sentencing.

34 (4) ~~Any A~~ person who is convicted of a felony enumerated in  
35 this paragraph committed for the benefit of, at the direction of, or  
36 in association with any criminal street gang, with the specific intent  
37 to promote, further, or assist in any criminal conduct by gang  
38 members, shall, upon conviction of that felony, be sentenced to  
39 an indeterminate term of life imprisonment with a minimum term  
40 of the indeterminate sentence calculated as the greater of:



1 (A) The term determined by the court pursuant to Section 1170  
2 for the underlying conviction, including any enhancement  
3 applicable under Chapter 4.5 (commencing with Section 1170) of  
4 Title 7 of Part 2, or any period prescribed by Section 3046, if the  
5 felony is any of the offenses enumerated in subparagraph (B) or  
6 (C) of this paragraph.

7 (B) Imprisonment in the state prison for 15 years, if the felony  
8 is a home invasion robbery, in violation of subparagraph (A) of  
9 paragraph (1) of subdivision (a) of Section 213; carjacking, as  
10 defined in Section 215; a felony violation of Section 246; or a  
11 violation of Section 12022.55.

12 (C) Imprisonment in the state prison for seven years, if the  
13 felony is extortion, as defined in Section 519; or threats to victims  
14 and witnesses, as defined in Section 136.1.

15 (5) Except as provided in paragraph (4), ~~any~~ a person who  
16 violates this subdivision in the commission of a felony punishable  
17 by imprisonment in the state prison for life shall not be paroled  
18 until a minimum of 15 calendar years have been served.

19 (c) If the court grants probation or suspends the execution of  
20 sentence imposed upon the defendant for a violation of subdivision  
21 (a), or in cases involving a true finding of the enhancement  
22 enumerated in subdivision (b), the court shall require that the  
23 defendant serve a minimum of 180 days in a county jail as a  
24 condition thereof.

25 (d) ~~Any~~ A person who is convicted of a public offense  
26 punishable as a felony or a misdemeanor, which is committed for  
27 the benefit of, at the direction of, or in association with ~~any~~ a  
28 criminal street gang, with the specific intent to promote, further,  
29 or assist in any criminal conduct by gang members, shall be  
30 punished by imprisonment in a county jail not to exceed one year,  
31 or by imprisonment in a state prison for one, two, or three years,  
32 provided that ~~any~~ a person sentenced to imprisonment in ~~the~~ a  
33 county jail shall be imprisoned for a period not to exceed one year,  
34 but not less than 180 days, and shall not be eligible for release  
35 upon completion of sentence, parole, or any other basis, until he  
36 or she has served 180 days. If the court grants probation or  
37 suspends the execution of sentence imposed upon the defendant,  
38 it shall require as a condition thereof that the defendant serve 180  
39 days in a county jail.

(e) As used in this chapter, “pattern of criminal gang activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034 until January 1, 2012, and, on or after that date, subdivisions (a) and (b) of Section 26100.

(7) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.

(8) The intimidation of witnesses and victims, as defined in Section 136.1.

(9) Grand theft, as defined in subdivision (a) or (c) of Section 487.

(10) Grand theft of any firearm, vehicle, trailer, or vessel.

(11) Burglary, as defined in Section 459.

(12) Rape, as defined in Section 261.

(13) Looting, as defined in Section 463.

(14) Money laundering, as defined in Section 186.10.

(15) Kidnapping, as defined in Section 207.

(16) Mayhem, as defined in Section 203.

(17) Aggravated mayhem, as defined in Section 205.

(18) Torture, as defined in Section 206.

(19) Felony extortion, as defined in Sections 518 and 520.

1 (20) Felony vandalism, as defined in paragraph (1) of  
2 subdivision (b) of Section 594.

3 (21) Carjacking, as defined in Section 215.

4 (22) The sale, delivery, or transfer of a firearm, as defined in  
5 ~~Section 12072 until January 1, 2012, and, on or after that date,~~  
6 Article 1 (commencing with Section 27500) of Chapter 4 of  
7 Division 6 of Title 4 of Part 6.

8 (23) Possession of a pistol, revolver, or other firearm capable  
9 of being concealed upon the person in violation of ~~paragraph (1)~~  
10 ~~of subdivision (a) of Section 12101 until January 1, 2012, and, on~~  
11 ~~or after that date,~~ Section 29610.

12 (24) Threats to commit crimes resulting in death or great bodily  
13 injury, as defined in Section 422.

14 (25) Theft and unlawful taking or driving of a vehicle, as defined  
15 in Section 10851 of the Vehicle Code.

16 (26) Felony theft of an access card or account information, as  
17 defined in Section 484e.

18 (27) Counterfeiting, designing, using, or attempting to use an  
19 access card, as defined in Section 484f.

20 (28) Felony fraudulent use of an access card or account  
21 information, as defined in Section 484g.

22 (29) Unlawful use of personal identifying information to obtain  
23 credit, goods, services, or medical information, as defined in  
24 Section 530.5.

25 (30) Wrongfully obtaining Department of Motor Vehicles  
26 documentation, as defined in Section 529.7.

27 (31) Prohibited possession of a firearm in violation of ~~Section~~  
28 ~~12021 until January 1, 2012, and, on or after that date,~~ Chapter 2  
29 (commencing with Section 29800) of Division 9 of Title 4 of Part  
30 6.

31 (32) Carrying a concealed firearm in violation of ~~Section 12025~~  
32 ~~until January 1, 2012, and, on or after that date,~~ Section 25400.

33 (33) Carrying a loaded firearm in violation of ~~Section 12031~~  
34 ~~until January 1, 2012, and, on or after that date,~~ Section 25850.

35 (34) *Human trafficking in violation of Section 236.1.*

36 (f) As used in this chapter, “criminal street gang” means any  
37 ongoing organization, association, or group of three or more  
38 persons, whether formal or informal, having as one of its primary  
39 activities the commission of one or more of the criminal acts  
40 enumerated in paragraphs (1) to (25), inclusive, or (31) to ~~(33),~~

(34), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(g) Notwithstanding any other law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(h) Notwithstanding any other ~~provision of~~ law, for each person committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities for a conviction pursuant to subdivision (a) or (b) of this section, the offense shall be deemed one for which the state shall pay the rate of 100 percent of the per capita institutional cost of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, ~~pursuant to Section 912.5 of the Welfare and Institutions Code.~~ *Facilities.*

(i) In order to secure a conviction or sustain a juvenile petition, pursuant to subdivision (a) it is not necessary for the prosecution to prove that the person devotes all, or a substantial part, of his or her time or efforts to the criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

(j) A pattern of gang activity may be shown by the commission of one or more of the offenses enumerated in paragraphs (26) to (30), inclusive, of subdivision (e), and the commission of one or more of the offenses enumerated in paragraphs (1) to (25), inclusive, or (31) to ~~(33);~~ (34), inclusive, of subdivision (e). A pattern of gang activity cannot be established solely by proof of commission of offenses enumerated in paragraphs (26) to (30), inclusive, of subdivision (e), alone.

(k) This section shall become operative on January 1, 2017.

SEC. 3. Section 266m is added to the Penal Code, to read:

266m. (a) A person who is convicted of a felony violation of Section 236.1, 266, 266a, 266b, 266c, 266d, 266e, 266f, 266g, 266h, 266i, or 266j, where any part of the violation takes place on the grounds of, or within 1,000 feet of, a public or private

1 elementary, vocational, junior high, or high school, during hours  
2 that the school is open for classes or school-related programs or  
3 at any time when minors are using the facility, shall receive, in  
4 addition to any other penalty imposed, punishment of three years  
5 in the state prison.

6 (b) A person sentenced pursuant to this section shall serve the  
7 entire term of his or her imprisonment for the underlying offense  
8 as well as the additional term imposed pursuant to this section in  
9 the state prison.

10 SEC. 4. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.